

REMARKS

Claims 1-7 are pending in this application.

Claim Rejections Under 35 USC § 102

Claims 1-5 are rejected under 35 USC § 102(a) as being anticipated by Inoue et al. (JP 2000-93786)

Claims 6-7 are rejected under 35 USC § 102(a) as being anticipated by Inoue et al. (JP 2000-117098)

The very last portion of MPEP 706.02(a) states in its entirety that:

“If 35 U.S.C. 102(e) does not apply, then the examiner should consider 35 U.S.C. 102(a). For 35 U.S.C. 102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, and must not be applicant’s own work.”

It should be noted that both Inoue et al. references have the same inventors as the instant application. By asserting these references to reject the claimed invention, the Office is not in observance of the "must not be applicant's own work" portion of MPEP 706.02(a). Therefore, these rejections are defective.

Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 1-7 are rejected under 35 USC 102 §(e) as being anticipated by Wang et al. (USP 6,489,168 B1).

Wang fails to disclose causing the display device to display the vessels described in the

selected protocol line on the screen. However, in the instant application, as shown by way of an example in Figure 1, the display device 4 indeed displays the vessels 41 described in the selected protocol line on the screen 42.

Therefore, independent claims 1 and 6-7 are amended to incorporate these features. By so amending, independent claims 1 and 6-7 are believed to be placed in condition for allowance.

It is well settled that:

“A claim is anticipated only if each and every element *as set forth in the claim* is found, either expressly or inherently described, in a single prior art reference.” *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1567, 7 USPQ2d 1057 (Fed. Cir. 1988).”

Should the Office continue to believe that independent claim 1 and 6-7, as amended, are anticipated by the asserted prior art, a citation of where each and every claimed feature, either as column number and line number, or figure number and reference numeral, or a combination thereof, as disclosed in the asserted prior art is respectfully requested. Should the Office determine that any claimed feature is not disclosed in the asserted prior art, it is respectfully submitted that the claimed invention is not anticipated by the asserted prior art. Allowance of the claimed invention is then respectfully requested.

Claims 1-3 and 6 are rejected under 35 USC 102(b) as being anticipated by Babson et al. (USP 5,316,726).

Even though this is an anticipation rejection formulated under 35 U.S.C. 102(b) asserting Babson et al., the body of the rejection specifically mentions Babson and Wang with specific

reference numerals. The Applicant is uncertain which prior art reference is actually being asserted. Therefore, the Applicant does not know how to respond to this rejection. A proper response will be provided once it becomes certain which prior art reference and which ground of rejection does the Office intent to assert.

Prior Art Indicated To Be Pertinent To The Disclosure

The Office has provided a list of prior art indicated to be pertinent to the Applicant's invention. Consistent with the understanding as stipulated in MPEP 706.02 that only the best prior art should be applied, this list of prior art not having been applied by the Office, it is the Applicant's understanding that the Office must have considered the listed prior art to be no more pertinent than the applied prior art of record.

CONCLUSION

In view of the aforementioned amendments and accompanying remarks, all pending claims are in condition for allowance, which action, at an early date, is requested.

In the event that this paper is not timely filed, Applicants respectfully petition an appropriate extension of time. The fees for such an extension or any other fees, not included with this response and which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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